

REMARKS

Status of the Claims

Claims 1, 4, 5, 9-18 and 20-25 are currently pending in the application. Claims 1, 4, 5, 9-18 and 20-29 stand rejected. Claims 1, 10, 16 and 21-23 have been amended as set forth herein without prejudice or disclaimer. No new matter has been added by way of the present amendments. The amendments that are currently made to claim 1 are supported by the content of the application as filed, for example by page 8 lines 22-26, and page 9 lines 16-17 and 19-23. Claims 10, 21 and 22 have been amended in accordance with currently amended claim 1. Amendment to claim 16 is to conform the claim language more closely to US practice. The amendments that are or have been made are made without acquiescing to the Examiner's rejection and shall in no circumstance be considered as an abandonment of the relevant subject-matter. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 4, 5, 9-12 and 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalionis in view of Vona. (*See*, Office Action of September 28, 2006, at page 2, hereinafter, "Office Action").

Claims 13, 14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalionis in view of Vona and further in view of Bianchi. (*Id.*, at page 8).

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalionis in view of Vona and further in view of Fodor. (*Id.*, at page 11).

Claims 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalionis in view of Vona and further in view of Bisconte. (*Id.*, at page 14).

Claims 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalionis in view of Vona and further in view of Bisconte (U.S. Patent No. 5,306,420) and Bisconte (FR 272730). (*Id.*, at page 16).

Applicants traverse the rejection as set forth in their Reply of November 28, 2006, the entirety of which is incorporated herein by reference as if each and every statement were represented herein, to address each and every rejection listed above.

Furthermore, in addition to those comments presented in the Reply of November 28, 2006, although Applicants do not agree that the claims are obvious in light of the cited references, to expedite prosecution, Applicants have amended claims 1, 10 and 21-23 as presented herein without prejudice or disclaimer.

The amendments of the claims presented herein are believed to adequately address all of the Examiner's comments presented in the Advisory Action of December 20, 2006.

That is, it is believed that the references, either considered individually or in combination, do not disclose or suggest all of the limitations recited in the presently amended claims. Thus, the Examiner has failed to establish a *prima facie* case of obviousness with respect to the presently amended claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally,

the prior art reference (or references when combined) must teach or suggest all the claim limitations. (*See, In re Vaeck*, 947 F.2d 488 at 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991)).

Reconsideration and withdrawal of the obviousness rejection of claims 1, 4, 5, 9-18 and 20-25 are respectfully requested.

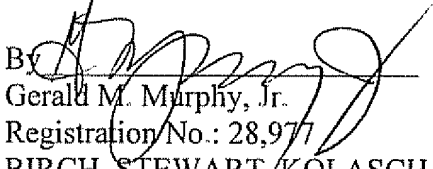
CONCLUSION

Applicants submit that the claims as presented herein are in condition for allowance and notification to that effect is earnestly solicited. If the Examiner has any questions or comments that may assist in prosecution of the present application, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 
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